

UNITED STATES BANKRUPTCY COURT District of New Jersey
Albert Russo Cn 4853 Trenton, NJ 08650 (609) 587-6888 Standing Chapter 13 Trustee
In re:  Jerry Michael DeMaio Fayella DeMaio  Debtor(s)



Order Filed on March 19, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 19-23018 / MBK

Hearing Date: 03/11/2020

Judge: Michael B. Kaplan

Chapter: 13

### ORDER CONFIRMING CHAPTER 13 PLAN

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

**DATED: March 19, 2020**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

The plan of the debtor having been proposed to creditors, and a hearing having been held on the confirmation of such plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

**ORDERED** that the plan of the above named debtor, dated 02/05/2020, or the last amended plan of the debtor be and it is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the debtor.

**ORDERED** that the plan of the debtor is confirmed to pay the Standing Trustee for a period of 60 months.

**ORDERED** that the debtor shall pay the Standing Trustee, Albert Russo, based upon the following schedule, which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586:

\$6,000.00 for 60 months beginning 08/01/2019

**ORDERED** that the case is confirmed with a calculated plan funding of \$360,000.00. General unsecured creditors are scheduled to receive a pro-rata dividend of funds available.

**ORDERED** that the Standing Trustee shall be authorized to submit, ex-parte, an Amended Confirming Order, if required, subsequent to the passage of the claims bar date(s) provided under Fed. R. Bank. P. 3002.

**ORDERED** that the debtor's attorney be and hereby is allowed a fee pursuant to the filed 2016(b) Statement. Any unpaid balance of the allowed fee shall be paid to said attorney through the Chapter 13 plan by the Standing Trustee.

**ORDERED** that if the debtor should fail to make plan payments or fail to comply with other plan provisions for a period of more than 30 days, the Standing Trustee may file, with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-Receipt of Payment and request that the debtor's case be dismissed. The debtor shall have fourteen (14) days within which to file with the Court and serve upon the Trustee a written objection to such Certification.

**ORDERED** that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any lien discharged.

**ORDERED** that the Standing Trustee is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. § 1305(a).

**ORDERED** that the debtor(s) must obtain a loan modification by March 31, 2020 or as extended by Loss Mitigation Order.

- Creditor Homebridge Financial Services, PACER claim #14-1, will be paid through the Chapter 13 Plan until an Amended Proof of Claim is filed.

**ORDERED** that if the debtor has provided for a creditor to be paid in the plan and no Proof of Claim is filed by such creditor before expiration of the applicable bar date, the debtor, pursuant to F.R.B.P. 3004, must file a Proof of Claim on behalf of the creditor within 30 days of the expiration of the applicable bar date. If the time period pursuant to F.R.B.P. 3004 has expired, the debtor must file a Proof of Claim on behalf of the creditor and file a motion to allow the Trustee to pay the late filed claim, or the debtor may obtain a Consent Order with the creditor authorizing the Trustee to pay an amount certain in the plan.

**ORDERED** as follows:

Order to be submitted with Nissan-Infiniti within 30 days instructing that the creditor be paid before other creditors following payment of Trustee commissions.

## Certificate of Notice Page 5 of 5

United States Bankruptcy Court  
District of New JerseyIn re:  
Jerry Michael DeMaio  
Fayella DeMaio  
DebtorsCase No. 19-23018-MBK  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903Page 1 of 1  
Total Noticed: 1

Date Rcvd: Mar 19, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Mar 21, 2020.

db/jdb +Jerry Michael DeMaio, Fayella DeMaio, 476 Washington Road, Sayreville, NJ 08872-1953

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 21, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on March 19, 2020 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor HomeBridge Financial Services, Inc.

dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Jacqueline Rita Rocci on behalf of Joint Debtor Fayella DeMaio jacqueline@rocciesquire.com

Jacqueline Rita Rocci on behalf of Debtor Jerry Michael DeMaio jacqueline@rocciesquire.com

John R. Morton, Jr. on behalf of Creditor Infiniti Financial Services, a division of Nissan

Motor Acceptance Corporation, servicer for Nissan-Infiniti Lt ecfmil@mortoncraig.com,

mortoncraigecf@gmail.com

Rebecca Ann Solarz on behalf of Creditor HomeBridge Financial Services, Inc.

rsolarz@kmlawgroup.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8